

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

EMORY STEVE BROWN,	*	CASE NUMBER:
	*	3:05 CV 0681-MHT-CSC
Plaintiff,	*	
	*	
V.	*	
	*	
CLAIMS MANAGEMENT, INC.,	*	
	*	
Defendant.	*	

DEFENDANT CLAIMS MANAGEMENT, INC.'S MOTION TO COMPEL
PLAINTIFF TO PROVIDE RESPONSES TO FIRST INTERROGATORIES AND
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

COMES NOW the defendant, Claims Management, Inc. (hereinafter referred to as the "defendant"), pursuant to Rule 37 (a)(2)(A) of the Federal Rules of Civil Procedure and files this Motion to Compel Plaintiff to Provide Responses to First Interrogatories and First Request for Production of Documents and in support thereof, shows unto the Court as follows:

1.

The defendant propounded their First Interrogatories and First Request for Production of Documents to the plaintiff, Emory Steve Brown (hereinafter referred to as the "plaintiff"), on or about October 19, 2005.

2.

In accordance with Rule 26 (b)(3) of the Federal Rules of Civil Procedure the plaintiff's responses were due thirty (30) days thereafter, with an additional three days allotted for service by mail, as provided in Rule 6 (e) of the Federal Rules of Civil Procedure. Accordingly, the plaintiff's responses were due on November 21, 2005.

3.

The plaintiff did not serve any type of response, objection, or request for extension in respect to the discovery propounded within the proscribed time period.

4.

On or about December 15, 2005, counsel for the defendant sent a letter to the plaintiff's counsel requesting responses to the defendant's first interrogatories and first request for production of documents. A copy of this letter is attached hereto as Exhibit "A".

5.

Counsel for the plaintiff did not respond to the December 15, 2005 letter.

6.

On or about December 30, 2005, counsel for the defendant sent a second letter to the plaintiff's counsel requesting responses to the defendant's first interrogatories and first request for production of documents by January 6, 2006. A copy of this letter is attached hereto as Exhibit "B".

7.

Counsel for the plaintiff again did not respond to the December 30, 2006 letter.

8.

As of the date of this motion, the plaintiff's counsel has not responded to the discovery propounded by defendants' counsel on October 19, 2005, nor has he acknowledged the defendant's two written requests for a response.

9.

As evidenced by the letters referenced above, counsel for the defendant has

endeavored to resolve this issue with counsel for the plaintiff, but counsel for the plaintiff has not responded to these overtures.

WHEREFORE, the defendant respectfully requests that this honorable Court enter an Order compelling the plaintiff to respond to the defendant's First Interrogatories and First Request for Production of Documents; award costs and fees in an amount equal to the defendants counsel's fees and cost to pursue discovery responses; together with such and other remedies as this Court deems just and proper.

This 20th day of January, 2006.

Respectfully submitted,

CARLOCK, COPELAND, SEMLER
& STAIR, LLP

BY: /s/ Jeffrey A. Brown
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Management, Inc.
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CERTIFICATE OF SERVICE

I, Jeffrey A. Brown, do hereby certify that I am of counsel for the defendant Claims Management, Inc. and that I have served a copy of the above and foregoing DEFENDANT CLAIMS MANAGEMENT, INC.'S MOTION TO COMPEL PLAINTIFF TO PROVIDE RESPONSES TO FIRST INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS upon all counsel of record via electronic filing and by depositing a true copy of same in the United States mail, postage prepaid, in an envelope addressed to opposing counsel as follows:

John A. Tinney, Esquire
Post Office Box 1340
Roanoke, Alabama 36274

This 20th day of January, 2006.

/s/ Jeffrey A. Brown
Of Counsel for Defendant, Claims
Management, Inc.